



September 9, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N. W., Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: IB Docket No. 95-59/Preemption of Local Zoning Regulations of Satellite Earth Stations
and CS Docket No. 96-83, Implementation of Section 207 of the Telecommunications Act of
1996

Dear Mr. Caton:

It is my understanding that the FCC issued a Further Notice of Proposed Rulemaking on August 6 regarding the possible right of apartment dwellers to install satellite dishes on their balconies or out of their windows **WITHOUT PRIOR APPROVAL OF THE PROPERTY OWNER!!**

How can you possibly believe that an apartment dweller, a person or group with a thirty-day contract, should have rights that negatively impact the property owner--the person or entity who is financially committed for ten, fifteen or more years?!?

This rule would infringe significantly on private property rights. The government should not interfere with the right of an owner to protect his/her property from actions, such as unlimited installation of satellite dishes, that could result in a decrease in the value of the property as well as cause safety and/or security problems.

Improper installation of such dishes, which if residents are permitted to secure such installations without owners' approval, will result in some major hazards. Who is going to be financially responsible when a resident's personal satellite dish blows off of his balcony and damages someone's car? Who is going to be financially responsible when a resident's personal satellite dish blows off of his balcony and hits a child or elderly person and does life-impairing damage?

If your answer is-- the resident, then you are living in a world unlike the world in which that America's business people live. According to the Insurance Information Institute, only about 41% of renters carry renter's insurance to cover their own personal goods in the event of a fire, tornados, etc. Surely, you can't believe that they would be more inclined to insure against

OH

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damage to another person or another person's goods.

If your answer is--the owner, then you are being unfair in placing a burden of responsibility on the apartment owner over which he/she does not have control.

And what about the structural problems that the installation of such dishes could cause, especially on an elevator-type building that might have a number of living units in it, but has very limited roof space? Who will pay for the damage done to the roof when their various installers go to install these dishes? Who will pay for the damage to the units directly below the roof when the leaks begin and the "responsible party" doesn't come forth? Again, if your answer is--the resident, you are still living in that foreign world. If your answer is--the owner, then you are again being unfair in placing a burden on the owner over which he/she does not have control and with which he/she should not be burdened.

Oh yes, and what about maintenance of these dishes? Just who and how do you think that they will be serviced? Who is going to be in a position to monitor the maintenance and the maintenance workers? You have probably never been in position of trying to maintain a service standard in a building where various, unsupervised service providers work in the building. I have, and it is quite simply, a nightmare. Ultimately, the service level to all residents is lessened due to the lack of rule-following by a few. The ultimate in-fighting among residents regarding whose dish is touching my dish and whose dish is blocking my signal is so clearly anticipated by practitioners. It is simply a ridiculous approach. If this rule is implemented as proposed, the medicine will be much worse than the disease.

The bottom line is simply that the legislation, as proposed, is a very serious violation of private property rights. Owners should have the right to implement the written agreements that they have between tenants and owners. The proposed rule implementation side-steps that owner right. If an owner is going to be held responsible for what takes place on his/her property (and the fact is that owners are certainly held responsible as such), then the owner should have the right to control activities as much as possible. He/she should also have the right to determine if he wants or needs a master antenna at his building.

Keep in mind that every time you or one of our other governmental entities institutes further diminution of an owners's private property rights, you effectively reduce and limit the number of persons willing to participate as landlords. Such owners are a major source of affordable housing in this country. So, if you are willing to take a heavy, debilitating blow at affordable housing, then implement this rule. If you are not willing to take such a blow and/or you recognize the unfair restriction of the rights of private property ownership, then take more realistic approach to solving the perceived problem of getting satellite signals to everyone. (Stop and think...does

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everyone really want or need to receive all the signals?).

Take a positive stand for private property rights and the rights of those who have taken the risks to create, finance, and operate rental housing. **DO NOT FORCE OWNERS TO SUFFER THE NEGATIVE RESULTS OF THE IMPLEMENTATION OF THIS LEGISLATION!!**

On behalf of the building owners in this country and in the spirit of the protection of private property rights, I herewith request that you take no action which effectively permits renters to have rights and control that would so negatively impact the building owner. I am requesting that you take positive steps to protect private property rights and the rights of building owners to operate their properties effectively without more, unnecessary governmental interference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jo Anne Corbitt', with a long horizontal flourish extending to the right.

Jo Anne Corbitt, CPM
President